

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Third Periodic Review of the)	MB Docket No. 07-91
Commission's Rules and Policies)	
Affecting the Conversion)	
To Digital Television)	

To: Secretary, FCC

COMMENTS

The Nebraska Educational Telecommunications Commission ("NETC") and the University of Nebraska ("University") (together, "Nebraska PTV Licensees" or the "Licensees"), by their attorneys, provide these comments in response to the *Notice of Proposed Rulemaking* in the referenced docket, FCC 07-70 (released May 18, 2007) ("*NPRM*").

The Nebraska PTV Licensees applaud the FCC's determination to have a strong DTV system in place across the country on the February 17, 2009 digital transition deadline. They fully support that goal and expects that their public television stations will be in place with their digital facilities on their permanent DTV channels by the deadline. However, the Licensees urge the FCC to exercise its discretion under the law establishing the transition deadline to provide substantially more flexibility and accommodation to stations regarding the process and timing of their achieving their "ultimate" or "final" DTV transmission facilities, and regarding what those facilities will be.

BACKGROUND

NETC is the licensee of eight public television stations in Nebraska – KTNE-TV/DT in Alliance, KMNE-TV/DT in Bassett, KHNE-TV/DT in Hastings, KLNE-TV/DT in Lexington, KRNE-TV/DT in Merriman, KXNE-TV/DT in Norfolk, KPNE-TV/DT in North Platte, and KYNE-TV/DT in Omaha. The University is the licensee of Station KUON-TV/DT in Lincoln. These are PBS member stations, and NETC's and the University's stations together comprise the Nebraska Public Television Network, which broadcasts a wide variety of high-quality news, public affairs, informational, educational and entertainment programming, including children's programming, throughout the State of Nebraska.

In the case of three of NETC's DTV stations – KHNE-DT on Channel *28, KLNE-DT on Channel *26, and KYNE-DT on Channel *17 – the pre-transition DTV channel is the same as the proposed permanent DTV channel, and "full" authorized facilities have been constructed and licensed. Each of these stations is correctly listed in Appendix B of the *NPRM*, signifying that they are believed to be ready to commence post-transition operations with their currently licensed and operating facilities.

In the case of the other five NETC stations – KTNE-DT, KMNE-DT, KRNE-DT, KXNE-DT and KPNE-DT – and the University's Station KUON-DT, the Nebraska PTV Licensees are operating on interim DTV channels and will be modifying DTV operations to the stations' former analog channels. Other than as noted below, the Licensees do not have any specific anticipated difficulties in

making these changes, but are concerned that, in making changes to six stations close to the transition deadline, which occurs in the middle of the winter, unanticipated issues undoubtedly will arise. They urge the FCC to be as flexible as possible in this process.

In the case of two stations, however, NETC can already anticipate one potential issue. Both KTNE-DT in Alliance and KRNE-DT in Merriman will need to have their antenna systems replaced in order to accommodate DTV operations on their current analog channels. Due to state bidding requirements applicable to NETC as an agency of the State of Nebraska, NETC may not simply specify a particular make and model of antenna (the antennas identified in the Final Table of Allotments), but will have to specify general antenna patterns and specifications and permit any interested bidder to submit bids. It is quite possible that the successful bidder may specify an antenna with slightly different parameters than those now specified in the Table. Those changes may necessitate other changes (ERP or HAAT). These changes will need to be accommodated.

In addition, NETC has identified discrepancies in the DTV Table as it has now been adopted. The license for Station KPNE-TV and KPNE-DT specifies an antenna located at 41-01-22 N, 101-09-14 W, which NETC believes is the correct location for the KPNE-TV/DT tower. The Table, however specifies coordinates 41-01-16 N, 101-09-10 W. Also, the license for the Channel *9 antenna (now used for KPNE-TV analog transmissions, but which will be used following the transition for KPNE-DT), specifies HAAT of 334 m. The DTV Table specifies 311 m. The current

licensed coordinates and Channel *9 antenna heights are correct, and NETC respectfully asks the FCC to accommodate these changes from the parameters specified in the DTV Table.

COMMENTS

I. The FCC should be flexible in the process for and timing of construction of final DTV facilities.

The Nebraska PTV Licensees urge the FCC to exercise its discretion under the Digital Television and Public Safety Act of 2005, Title III of the Deficit Reduction Act of 2005, Pub. L. No. 109-171, 120 Stat. 4 (2006), which established the February 17, 2009 digital transition deadline, by providing substantial flexibility to stations regarding the process for and timing of their achieving their “ultimate” or “final” DTV transmission facilities.

As the FCC can see from the description above, the Licensees have to move six of their stations to operate on their analog channels, and it is never possible fully to anticipate what issues might unexpectedly arise as part of that process. Certainly, there are issues of timing of the shutting down of the analog stations and the activation of DTV facilities on the formerly analog channels. In addition, as noted, the replacement of antenna systems at two stations may result in discrepancies between what can be in place by the transition deadline and the allotment parameters specified by the DTV Table.

Thus, the Nebraska PTV Licensees urge the FCC to be as flexible as the law allows, focusing on identifying and addressing ways to facilitate a smooth transition

in February of 2009, and facilitating each station's own path and timing in achieving its final DTV facilities.

II. The FCC should not require stations to construct facilities that precisely match the facilities specified in the Table of DTV Allotments.

Paragraph 67 of the *NPRM* suggests that stations will need to get construction permits for, and then construct and license DTV facilities that precisely match the facilities specified in the DTV Table of Allotments, all to be accomplished by the transition deadline at the latest.

As noted, two of NETC's DTV stations will have to bid out antenna replacement facilities next year and those processes may result in antenna systems similar to, but not identical to, those specified in the DTV Table. In addition, one NETC station exists with discrepancies in coordinates and contemplated antenna height as compared to the DTV Table, despite the fact that the coordinates are specified in construction permits and licenses approved by the FCC and the existing analog antenna will be used in place for DTV operations following transition. The Licensees do not believe that the FCC can or should require every station's permanent DTV facilities to match precisely those facilities specified in the DTV Table. In addition, the Licensees do not believe that, at this point, the FCC should specify a requirement that all stations apply for such facilities now, or a deadline for when they have to achieve them.

Noncommercial educational licensees such as NETC and the University have accomplished much in the DTV transition process to date, in many cases

overcoming considerable financial and technical obstacles to be on the air at all. In the case of NETC, there simply is no possibility for avoiding a bidding process for the new antenna systems at KTNE-DT and KRNE-DT, and it certainly cannot move the DTV facilities at KPNE-DT to match DTV Table coordinates. The FCC must find some way of accommodating these realities.

III. The FCC should accommodate, as soon as possible, upgrades to existing DTV stations beyond those facilities specified in the DTV Table.

The Nebraska PTV Licensees also contemplate applying to maximize coverage of several of their DTV stations at some point, and they would appreciate having an opportunity to evaluate their options and apply for authority to upgrade coverage as possible. It does not make sense for the Licensees, as of the transition deadline, to build DTV facilities on with currently proposed allotment power levels, only to have to re-build those facilities later with greater power, if these facilities can be used initially without causing interference to any other station.

CONCLUSION

The Nebraska PTV Licensees urge the FCC to adopt flexible rules consistent with the comments above.

Respectfully submitted,

NEBRASKA EDUCATIONAL
TELECOMMUNICATIONS
COMMISSION

UNIVERSITY OF NEBRASKA

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